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11 ATTORNEYS FOR PLAINTIFF COUNTY OF SANTA CLARA

12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN FRANCISCO DIVISION

16 COUNTY OF SANTA CLARA,

17 Plaintiff,

18 v.

19 DONALD J. TRUMP, President of the  
 20 United States of America, ELAINE DUKE,  
 in her official capacity as Acting Secretary  
 21 of the United States Department of  
 Homeland Security, JEFFERSON B.  
 22 SESSIONS, in his official capacity as  
 Attorney General of the United States,  
 23 JOHN MICHAEL "MICK" MULVANEY,  
 24 in his official capacity as Director of the  
 Office of Management and Budget, and  
 25 DOES 1-50,

26 Defendants.

Case No. 17-cv-00574-WHO

**DECLARATION OF SHERIFF LAURIE  
 SMITH IN SUPPORT OF PLAINTIFF  
 COUNTY OF SANTA CLARA'S MOTION  
 FOR SUMMARY JUDGMENT**

Date: October 4, 2017  
 Time: 2:00 pm  
 Dept: Courtroom 2, 17th Floor  
 Judge: Hon. William Orrick

Date Filed: February 3, 2017

Trial Date: April 23, 2018

1 I, LAURIE SMITH, declare and state as follows:

2 1. I am the elected Sheriff of Santa Clara County (the “County”). I have worked in  
3 the Sheriff’s Office (“office”) for over 43 years, and have served as Sheriff since 1998.

4 2. I submit this Declaration in support of the County of Santa Clara’s Motion for  
5 Summary Judgment. I have personal knowledge of the facts stated herein and, if called as a  
6 witness, I could testify to them competently under oath.

7 3. My office serves the entire Santa Clara County area, enforcing criminal law in the  
8 unincorporated area of the County, which spans approximately 600 square miles; serving as the  
9 municipal police department in three cities within the County; and offering contractual law  
10 enforcement services to Stanford University, the Santa Clara County Superior Court, the Santa  
11 Clara Valley Transportation Authority, and other local agencies. My office has more than 1,700  
12 employees, including 1,300 sworn peace officers. It investigates thousands of suspected crimes  
13 each year and operates specialized units and teams, including the Search and Rescue Team, the  
14 Hostage Negotiation Team, the Narcotics Task Force, and the Bomb Squad.

15 4. The core functions of the Sheriff’s Office are to maintain peace in the County,  
16 prevent and respond to unlawful disturbances, make arrests as needed, protect victims, and  
17 investigate criminal offenses. Community trust is the foundation of my office’s public safety  
18 work. If my office was forced to comply with all Immigration and Customs Enforcement (“ICE”)  
19 civil detainers or other requests to participate in civil immigration enforcement, the result would  
20 be a serious erosion of that trust. Even the perception by the communities we serve that my  
21 officers have been deputized to serve as federal immigration law enforcers could lead to the  
22 breakdown in trust and communication.

23 5. In 2010, I participated in a County Task Force that reviewed the County’s history  
24 of complying with ICE civil detainers and the impact of that compliance on public safety. After  
25 this review, and at the Task Force’s recommendation, the County Board of Supervisors (the  
26 “Board”) adopted a Civil Detainer Policy in October 2011 stating that the County would honor  
27 ICE civil detainer requests for adults with serious or violent felony convictions under California  
28 law, only if ICE agreed to reimburse the County for the costs of detention. To date, ICE has

1 never agreed to cover the costs the County would incur by complying with ICE civil detainer  
2 requests.

3 6. Because the enforcement of federal civil immigration law is the responsibility of  
4 the federal government and not the County, and absent ICE agents having a criminal warrant or  
5 County officials having a legitimate law enforcement purpose unrelated to federal immigration  
6 law enforcement, the policy also provides that ICE agents may not access County detention  
7 facilities and that County resources may not be used to communicate with ICE about individual  
8 incarceration status or release dates for the purposes of federal civil immigration  
9 enforcement. The Board adopted this policy, which remains in effect, based upon the Task  
10 Force’s recommendations and as a part of its duty to protect the interests of County residents.

11 7. The Board also adopted a resolution in 2010 that set out County policy restricting  
12 County employees from questioning, investigating, or arresting members of the public solely  
13 because of their actual or suspected immigration status, or their actual or suspected civil violation  
14 of federal immigration law. Based on my experience and my opinion about the law enforcement  
15 needs and priorities of the community I serve, I agreed with this resolution, which aligned with  
16 my office’s longstanding practices and which assists my office in meeting its duty under  
17 California law to investigate suspected criminal offenses and maintain public safety.

18 8. My office relies on County residents on a daily basis – without regard to  
19 immigration status – to report crimes and disturbances, serve as witnesses, and assist in  
20 investigations. For example, community members reached out to witnesses important to our  
21 investigation of a high-profile murder of a teenage girl who disappeared on her way to school in  
22 2012. Farmworkers in the neighborhood where she lived actively provided information to my  
23 office in this important case. Had they feared that my officers would question their immigration  
24 status, or the status of their loved ones, it is very unlikely they would have come forward to offer  
25 information.

26 9. My office’s Notario Fraud Unit (“NFU”) is another good example of the critical  
27 role that trust and relationships with the community play in fulfilling our public safety mandate.  
28 My office formed the NFU to address the problem of “notarios,” which are individuals who

1 represent themselves as legal professionals to vulnerable clients needing immigration legal  
2 services, but who have no legal qualifications and often take clients' money without providing  
3 any services of value. My office has worked diligently to build relationships and trust with  
4 immigrant communities in the County to help conduct successful notario investigations. In many  
5 cases, the NFU has relied on complaints from victims who we believe would not have been as  
6 forthcoming if they feared investigation of their immigration status. These victims have provided  
7 critical information about alleged abuses, allowing the NFU to obtain search warrants in many  
8 cases. In one such case, a victim contacted the NFU to report a suspected notario for fraudulent  
9 services. We obtained a search warrant, seized approximately 1,000 client files, and, due to our  
10 public outreach on the case, received over 40 phone calls from immigrant victims willing to serve  
11 as witnesses. The District Attorney's Office then filed four felony charges and one misdemeanor  
12 charge against the suspect. My office would not receive this kind of assistance from the  
13 community if it was forced to abandon its policies, which, in our judgment, best serve the  
14 interests of our residents.

15 10. Blurring the lines between local policing and federal immigration enforcement  
16 would have a particularly grave impact on some of our community's most vulnerable victims. In  
17 particular, many victims of human trafficking, sex trafficking, domestic violence, and sexual  
18 assaults – as well as witnesses to these crimes – would be unlikely to seek help from my officers  
19 if they were afraid that these officers would question them about their or their loved ones'  
20 immigration status.

21 11. Compelling my officers to cooperate with federal immigration enforcement efforts  
22 also would undermine my ability to set law enforcement priorities, allocate resources to meet  
23 those priorities, and manage my office and staff. I would be forced to divert finite resources away  
24 from addressing the public safety needs I have identified, which would undercut my office's  
25 ability to deliver on its commitments and would erode the community trust and partnerships that  
26 are central to our work.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this Declaration was executed on August 22, 2017 in San Jose, California.

  
LAURIE SMITH